

<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional) <b>MERCK-3217</b>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 5px;">In re Application of <b>Susanne Matheus et al.</b></td> </tr> <tr> <td style="padding: 5px;">Application Number <b>10/588,458</b></td> <td style="padding: 5px;">Filed <b>August 4, 2006</b></td> </tr> <tr> <td colspan="2" style="padding: 5px;">For <b>HIGHLY CONCENTRATED, LIQUID FORMULATIONS OF ANTI-EGFR ANTIBODIES</b></td> </tr> <tr> <td style="padding: 5px;">Group Art Unit <b>1646</b></td> <td style="padding: 5px;">Examiner <b>Claire M. Kaufman</b></td> </tr> </table>			In re Application of <b>Susanne Matheus et al.</b>		Application Number <b>10/588,458</b>	Filed <b>August 4, 2006</b>	For <b>HIGHLY CONCENTRATED, LIQUID FORMULATIONS OF ANTI-EGFR ANTIBODIES</b>		Group Art Unit <b>1646</b>	Examiner <b>Claire M. Kaufman</b>
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<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, <u>March 19, 2009</u>, rejecting the following claims: <u>1, 4, 8, 11, 16, 17 and 21-24</u>.</p> <p>The fee for this Notice of Appeal is (37 CFR 1.17(b)) <span style="float: right;"><b>\$ 540.00</b></span></p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <span style="float: right;"><b>\$ _____</b></span></p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input checked="" type="checkbox"/> Payment by credit card via EFS.</p> <p><input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>13-3402</u>. I have enclosed a duplicate copy of this sheet.</p> <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <p>I am the <span style="float: right;"><u>/Anthony J. Zelano/</u></span></p> <p><input type="checkbox"/> applicant/inventor. <span style="float: right;">Signature</span></p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71.</p> <p style="padding-left: 40px;">Statement under 37 CFR 3.73(b) is enclosed.</p> <p><input checked="" type="checkbox"/> attorney or agent of record. <span style="float: right;"><u>Anthony J. Zelano, Reg. No. 27,969</u></span></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a). <span style="float: right;">Typed or printed name</span></p> <p style="padding-left: 40px;">Registration number if acting under 37 CFR 1.34(a), _____.</p> <p style="text-align: right;"><u>June 19, 2009</u></p> <p style="text-align: right;">Date</p>										
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>										
<p><input checked="" type="checkbox"/> *Total of 1 forms are submitted.</p>										